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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,597	07/22/2003	Chin-Chung Lien	9585-0433	5838
73552	7590	07/09/2008	EXAMINER	
Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2625	
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			07/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/623,597

Applicant(s)

LIEN, CHIN-CHUNG

Examiner

Houshang Safaipoor

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-11 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7, 11, 17-19 and 25 is/are rejected.
- 7) ☒ Claim(s) 8-10, 14-16, 20-24, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on March 27, 2008 has been considered and made of record.

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the amendment.

Regarding claim 5 and 17, applicant argues that the "examiner alleges the recited claim features are obvious." Examiner disagrees. Examiner has not indicated "obviousness" for rejection of claims 5 and 17. The claims have been rejected because "applicant has not disclosed that positioning the original document surface in parallel to the parallel mirror set provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the surface positioned as taught by Hung or the claimed position." (Office Action, 9/28/2007, page 3). Examiner maintains his rejection and adds that Applicant's invention performs equally well with the surface positioned as taught by Shyu or the claimed position.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4-7, 11, 17, 18, 19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Shyu (US 6,456,412).

Regarding claim 1, Shyu discloses an optical device comprising:

a reflection unit used to reflect the incident light from a light source (L, fig. 4), wherein the reflection unit comprises an imaging mirror (365), an optical path turning mirror (362), and a parallel mirror set including a first reflection mirror (363) and a second reflection mirror (361), the parallel mirror set positioned to reflect the incident light from the light source (L) to the optical path turning mirror (362), the optical path turning mirror positioned to reflect the incident light back to the parallel mirror set (point E), wherein the incident light from the optical turning mirror is received by the parallel mirror set with the first reflection mirror (363, point E) and is reflected between the first reflection mirror (363) and the second reflection mirror (361); and

a lens (34), used to focus the incident light reflected by the reflection unit to form images, wherein the imaging mirror (365) is positioned to reflect the incident light to the lens (34). (col. 2, lines 23-42)

Regarding claim 4, Shyu discloses the optical path device according to claim 1, wherein the optical device is an optical scanner (abstract).

Regarding claims 5 and 17, Shyu discloses the optical path device that comprises an original document surface (30) used to deposit a document (32) desired to be scanned (fig. 4). Shyu does not disclose that the original document surface is parallel to the parallel mirror set. Applicant has not disclosed that positioning the original document surface in parallel to the parallel mirror set provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the surface positioned as taught by Shyu or the claimed position.

Regarding claim 6, Shyu discloses the optical path device according to claim 5, wherein the incident light provided by the light source (L) is projected to the original document surface (32) first, and then reflected to the parallel mirror set (fig. 4).

Regarding claim 7, Shyu discloses the optical device wherein between the incident light (L) and the original document surface (32), there is an incident angle greater than 0 degree (fig. 4).

Regarding claim 11, please refer to the rejection under claim 1. also, please note that Shyu discloses an image sensor 38 for converting the imaging signal produced by the lens (34, fig. 4) into an electrical signal. The sequence of reflection is as indicated under claim 1.

Regarding claim 18, Shyu discloses a device comprising:

a parallel mirror set to receive light from a light source, the parallel mirror set including a first reflection mirror (363) and a second reflection mirror (361);

an optical path turning mirror (362) to receive the light from the parallel mirror set and to reflect the light back to the first reflection mirror (363) of the parallel mirror set, where the light received from the optical path turning mirror (362) is reflected between the first reflection mirror (363) and the second reflection mirror (361); and

an imaging mirror (365) to receive the light from the first reflection mirror (363) of the parallel mirror set and to reflect the light to a image sensing device (image sensor 38, fig. 4, col. 2, lines 23-42).

Regarding claim 19, please note that the imaging mirror receives the light from the first reflection mirror of the parallel mirror (as recited in the last limitation of claim 18) and not directly reflected from the document. Shyu shows this reflection of light in fig. 4.

Regarding claim 25, Shyu discloses the first reflection mirror (363) is positioned to reflect the light from turning mirror (362) to imaging mirror (365, fig. 4).

Allowable Subject Matter

3. Claims 8-10, 14-16, 20-24, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Houshang Safaipour/
Primary Examiner, Art Unit 2625